

**IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF DELAWARE**

MARLAYNA G. TILLMAN,	)	
	)	
Plaintiff,	)	C.A. NO. 04-1314(SLR)
	)	
v.	)	JURY TRIAL DEMANDED
	)	
THE PEPSI BOTTLING GROUP, INC.,	)	
and TEAMSTERS LOCAL UNION 830,	)	
	)	
Defendants.	)	

**ORDER**

At Wilmington this 28th day of September, 2005, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by **September 30, 2005**, the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.
2. **Discovery.**
  - (a) Discovery will be needed on the following subjects: **liability and damages.**
  - (b) All discovery shall be commenced in time to be completed by **February 28, 2006.**
  - (c) Maximum of **25** interrogatories by each party to any other party.

(d) Maximum of **25** requests for admission by each party to any other party.

(e) Maximum of **10** depositions by plaintiff and **10** by each defendant.

(f) Each deposition, limited to a maximum of **7 hours** unless extended by agreement of parties.

(g) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by **March 15, 2006**. Rebuttal expert reports due by **April 14, 2006**.

(h) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

**3. Joinder of other Parties, Amendment of Pleadings, and Class Certification.** All motion to join other parties, amend the pleadings, and certify a class action shall be filed on or before **October 21, 2005**.

**4. Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring ADR.

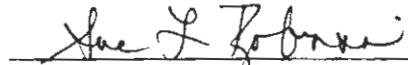
**5. Summary Judgment Motions.** All summary judgment motions shall be served and filed with an opening brief on or before **April 17, 2006**. Any answering briefs shall be due **thirty (30)** days after service of the opening brief. Any reply briefs shall be due **fifteen (15)** days after service of the answering brief. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of the court.

6. **Applications by Motion.** Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to changes. **Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.**

7. **Motions in Limine.** All motions in limine shall be filed on or before 8/23/06 (two weeks before pretrial conference). All responses to said motions shall be filed on or before 8/30/06 (one week before pretrial conference).

8. **Pretrial Conference.** A pretrial conference will be held on 9/20/06 at 4:30 p.m. in Courtroom No. 6B, Sixth Floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

9. **Trial.** This matter is scheduled for a 5-day jury trial commencing on 10/2/06 in Courtroom 6B, Sixth Floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

  
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Judge Sue L. Robinson